

**Wittels
McInturff
Palikovic**

May 16, 2025

Via ECF

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square, Courtroom 619
New York, New York 10007

Re: Brous, et al. v. Eligo Energy, LLC, et al., No: 1:24-CV-1260 (ER)

Dear Judge Ramos:

On behalf of Plaintiffs and the Proposed Class (“Plaintiffs”), we write to provide the Court with supplemental information regarding Plaintiffs’ opposition to Defendants’ May 9, 2025 application for a protective order with respect to the depositions of Mark Friedgan and Alex Goldstein. Plaintiffs regret burdening the Court with an additional filing, but yesterday Plaintiffs uncovered additional documents further demonstrating Messrs. Friedgan and Goldstein’s direct involvement in setting the variable rates that are at the center of this lawsuit.

With respect to Mr. Goldstein’s unique, relevant knowledge, in early 2023, several Eligo employees were transferred to another company called Yardi. As part of the transfer, Eligo created a document outlining [REDACTED]

[REDACTED] See Ex. I, DEF050666. This document shows that Mr. Goldstein took over the responsibility to [REDACTED] *id.*,¹ demonstrating his direct involvement in, and knowledge of, the setting of variable rates challenged in this action. Moreover, a November 2022 Eligo document addressing GROOVE notes that [REDACTED] further demonstrating these individuals’ direct involvement in the variable rate-setting process. Ex. J.

By virtue of the role they played in the conduct challenged in this case, Messrs. Friedgan and Goldstein have unique, first-hand knowledge of facts that are relevant to the parties’ claims and defenses. Their depositions should proceed as scheduled.

Thank you for the Court’s attention to this matter.

Respectfully submitted,

/s/ Ethan D. Roman
Ethan D. Roman

cc: All Counsel of Record

¹ To ease the Court’s review, a red box has been added around the relevant portion of the exhibit.